

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.514-2019 (O&M)
Decided on : 27.11.2019

Pushpa Rani & others

... Appellants

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Robin Dutt, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

Mr.Nitin Kumar, Advocate, for respondents No.3 & 4.

G.S. Sandhawalia, J. (Oral)

CM-1168-CI-2019

Application for condonation of delay of 1710 days in filing the appeal is allowed, keeping in view the averments made in the application duly supported by affidavit as also in view of the fact that the interest of the respondents can be looked after in view of the judgment of the Apex Court in *Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (deceased) through LRs Vs. Haryana State & others 2015 (2) RCR (Civil) 507*, and the application is conditionally allowed. The delay of 1710 days in filing the abovesited appeal is condoned with the condition that for the period of delay, the appellants shall not be entitled to the benefit of interest.

CM stands disposed of.

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The present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the award of the Reference Court, Yamuna Nagar at Jagadhri dated 10.02.2014. For the enhancement for the land

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acquired vide notification dated 30.05.2005, the Reference Court has placed reliance upon the earlier award passed in case titled Ramesh etc. Vs. State of Haryana etc. whereby the market value had been assessed @ Rs.1560/- per sq.meter (Rs.63,13,101/- per acre).

It is not disputed that while dealing with the said notification for the land falling in Villages Jaroda, Gulab Nagar and Bhatauli which were acquired for the purpose of development of Sectors 22, 23 & 24, by HUDA, the Co-ordinate Bench of this Court had enhanced the market value to Rs.3610/- per sq.meter, vide order dated 24.02.2016. The said judgment has been modified by the Apex Court in **Manoj Kumar & others Vs. State of Haryana & others 2018 (2) RCR (Civil) 815** and a sum of Rs.95 lakhs per acre has been assessed as the market value along with all statutory benefits. Relevant portion of the judgment read as under:

“32. Even if we calculate compensation by adding between 12 to 13% flat increase, taking base price at Rs.1560/- granted in the case of Swaran Singh in the facts of the case, the price would come approximately to Rs.1.10 crores per acre. Further deduction in addition to deduction made in Swaran Singh’s case (supra) is required to be made towards development, it would be appropriate to deduct further amount of Rs.15 lakhs. Thus the compensation that we award comes to Rs.95 lakhs per acre, not Rs.1,46,09,000/- as determined by the High Court. Approximation of compensation, when made on comparable sale method, would by and large be similar. We reduce the amount awarded by the High Court. Thus, we deem it appropriate to award the amount @ Rs.95 lakhs per acre along with statutory benefits.

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33. The appeals filed by the State are partly allowed and the appeals preferred by the landowners are hereby dismissed.”

Resultantly, the present appeal is also disposed of in the above-said terms and the landowners are held entitled for the above-said amount, without interest on the enhanced compensation for the period of 1710 days.

NOVEMBER 27th, 2019
SAILESH

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No